

THIRD JUDICIAL DISTRICT OAWI SENTENCING GUIDELINES

FOR CITATIONS ISSUED ON OR AFTER

August 1, 2003

THIRD JUDICIAL DISTRICT
515 W. Moreland Blvd.
Waukesha, WI 53188-2428
(262) 548-7210

HON. KATHRYN W. FOSTER
Chief Judge

MICHAEL G. NEIMON
District Court Administrator

DISTRICT OAWI SENTENCING GUIDELINES COMMITTEE:

HON. JOHN M. ULLSVIK, Jefferson Co.
HON. DAVID C. RESHESKE, Washington Co.
HON. PATRICK HAUGHNEY, Waukesha Co.
HON. TOM R. WOLFGRAM, Ozaukee Co., Chairperson

- Court Support Services Fee was raised from \$52 to \$68 (affects 1st offenses)
- Crime Lab. And Drug Assessment went up from \$5 to \$7
- The word forfeiture for 2nd – 5th offenses was changed to “fine”.

Alcohol Assessment and Driver Safety Plan. (All offenses)

- *****

Revised 7/31/2003

OAWI SENTENCING GUIDELINES
Third Judicial District

FIRST OFFENSE

Mitigating Factors

Bac Level	.10 to .149	.15 to .199	.20 to .249	.25 and above or refusal
Forfeiture	150.00	200.00	250.00	250.00
Penalty Assessment (24%)	36.00	48.00	60.00	60.00
Jail Assessment	10.00	10.00	10.00	10.00
Justice Information Service Fee	9.00	9.00	9.00	9.00
Court Support Services Fee	68.00	68.00	68.00	68.00
Court Costs	25.00	25.00	25.00	25.00
Driver Improvement Surcharge	355.00	355.00	355.00	355.00
Crime Lab. & Drug Assessment	7.00	7.00	7.00	7.00
Total Financial	\$660.00	\$722.00	\$784.00	\$784.00
Revocation	6 months	7 months	8 months	9 months

Aggravating Factors

Bac Level	.10 to .149	.15 to .199	.20 to .249	.25 and above or refusal
Forfeiture	200.00	250.00	300.00	300.00
Penalty Assessment (24%)	48.00	60.00	72.00	72.00
Jail Assessment	10.00	10.00	10.00	10.00
Justice Information Service Fee	9.00	9.00	9.00	9.00
Court Support Services Fee	68.00	68.00	68.00	68.00
Court Costs	25.00	25.00	25.00	25.00
Driver Improvement Surcharge	355.00	355.00	355.00	355.00
Crime Lab. & Drug Assessment	7.00	7.00	7.00	7.00
Total Financial	\$722.00	\$784.00	\$846.00	\$846.00
Revocation	7 months	8 months	9 months	9 months

OAWI SENTENCING GUIDELINES

Third Judicial District

SECOND OFFENSE**Mitigating Factors**

Bac Level	.10 to .149	.15 to .199	.20 to .249	.25 and above or refusal
Fine	350.00	400.00	450.00	500.00
Penalty Assessment (24%)	84.00	96.00	108.00	120.00
Jail Assessment	10.00	10.00	10.00	10.00
Victim-Witness Surcharge A	30.00	30.00	30.00	30.00
Victim-Witness Surcharge B	20.00	20.00	20.00	20.00
Court Costs	20.00	20.00	20.00	20.00
Driver Improvement Surcharge	355.00	355.00	355.00	355.00
Crime Lab. & Drug Assessment	7.00	7.00	7.00	7.00
Total Financial	\$876.00	\$938.00	\$1,000.00	\$1,062.00
Jail	5-30 days	10-60 days	20-90 days	90-180 days
Revocation	12 months	14 months	16 months	18 months

Aggravating Factors

Bac Level	.10 to .149	.15 to .199	.20 to .249	.25 and above or refusal
Fine	400.00	450.00	500.00	550.00
Penalty Assessment (24%)	96.00	108.00	120.00	132.00
Jail Assessment	10.00	10.00	10.00	10.00
Victim-Witness Surcharge A	30.00	30.00	30.00	30.00
Victim-Witness Surcharge B	20.00	20.00	20.00	20.00
Court Costs	20.00	20.00	20.00	20.00
Driver Improvement Surcharge	355.00	355.00	355.00	355.00
Crime Lab. & Drug Assessment	7.00	7.00	7.00	7.00
Total Financial	\$938.00	\$1,000.00	\$1,062.00	\$1,124.00
Jail	30-60 days	60-90 days	90-180 days	120-180 days
Revocation	14 months	16 months	18 months	18 months

OAWI SENTENCING GUIDELINES
Third Judicial District

THIRD OFFENSE

Mitigating Factors

Bac Level	.08 to .169	.17 to .199	.20 to .249	.25 and above or refusal
Fine	600.00	1200.00	1800.00	2400.00
Penalty Assessment (24%)	144.00	288.00	432.00	576.00
Jail Assessment	10.00	10.00	10.00	10.00
Victim-Witness Surcharge A	30.00	30.00	30.00	30.00
Victim-Witness Surcharge B	20.00	20.00	20.00	20.00
Court Costs	20.00	20.00	20.00	20.00
Driver Improvement Surcharge	355.00	355.00	355.00	355.00
Crime Lab. & Drug Assessment	7.00	7.00	7.00	7.00
Total Financial	\$1,186.00	\$1,930.00	\$2,674.00	\$3,418.00
Jail	30 days -5 months	45 days - 6 months	3-7 months	4-9 months
Revocation	24 months	27 months	30 months	33 months

Aggravating Factors

Bac Level	.08 to .169	.17 to .199	.20 to .249	.25 and above or refusal
Fine	650.00	1300.00	1950.00	2600.00
Penalty Assessment (24%)	156.00	312.00	468.00	624.00
Jail Assessment	10.00	10.00	10.00	10.00
Victim-Witness Surcharge A	30.00	30.00	30.00	30.00
Victim-Witness Surcharge B	20.00	20.00	20.00	20.00
Court Costs	20.00	20.00	20.00	20.00
Driver Improvement Surcharge	355.00	355.00	355.00	355.00
Crime Lab. & Drug Assessment	7.00	7.00	7.00	7.00
Total Financial	\$1,248.00	\$2,054.00	\$2,860.00	\$3,666.00
Jail	45 days -6 months	4-8 months	7 mo.-1 yr.	9 mo.-1 yr.
Revocation	27 months	30 months	33 months	36 months

OAWI SENTENCING GUIDELINES

Third Judicial District

FOURTH OFFENSE**Mitigating Factors**

Bac Level	.02 to .08	.08 - .169	.17 - .199	.20 to .249	.25 and above or refusal
Fine	650.00	750.00	1500.00	2250.00	3000.00
Penalty Assessment (24%)	156.00	180.00	360.00	540.00	720.00
Jail Assessment	10.00	10.00	15.00	22.50	30.00
Victim-Witness Surcharge A	30.00	30.00	30.00	30.00	30.00
Victim-Witness Surcharge B	20.00	20.00	20.00	20.00	20.00
Court Costs	20.00	20.00	20.00	20.00	20.00
Driver Improvement Surcharge	355.00	355.00	355.00	355.00	355.00
Crime Lab. & Drug Assessment	7.00	7.00	7.00	7.00	7.00
Total Financial	\$1,248.00	\$1,372.00	\$2,307.00	\$3,244.50	\$4,182.00
Jail	2 mo.-1yr.	3 mo.-1yr.	4 mo.-1yr.	6 mo.-1yr.	7 mo.-1yr.
Revocation	24 months	24 months	27 months	33 months	36 months

Aggravating Factors

Bac Level	.02 to .08	.08 - .169	.17 - .199	.20 to .249	.25 and above or refusal
Fine	900.00	1000.00	2000.00	3000.00	4000.00
Penalty Assessment (24%)	216.00	240.00	480.00	720.00	960.00
Jail Assessment	10.00	10.00	20.00	30.00	40.00
Victim-Witness Surcharge A	30.00	30.00	30.00	30.00	30.00
Victim-Witness Surcharge B	20.00	20.00	20.00	20.00	20.00
Court Costs	20.00	20.00	20.00	20.00	20.00
Driver Improvement Surcharge	355.00	355.00	355.00	355.00	355.00
Crime Lab. & Drug Assessment	7.00	7.00	7.00	7.00	7.00
Total Financial	\$1,558.00	\$1,682.00	\$2,932.00	\$4,182.00	\$5,432.00
Jail	5 mo.-1yr.	7 mo.-1yr.	9 mo.-1yr.	10 mo.-1yr.	10 mo.-1yr.
Revocation	27 months	33 months	36 months	36 months	36 months

***Note: probation is now an option for both 4th and 5th offenses**

OAWI SENTENCING GUIDELINES

Third Judicial District

FIFTH OR SUBSEQUENT OFFENSE**Mitigating Factors**

Bac Level	.02 to .08	.08 - .169	.17 - .199	.20 to .249	.25 and above or refusal
Fine	1200.00	1500.00	3000.00	4500.00	6000.00
Penalty Assessment (24%)	288.00	360.00	720.00	1080.00	1440.00
Jail Assessment	12.00	15.00	30.00	45.00	60.00
Victim-Witness Surcharge A	30.00	30.00	30.00	30.00	30.00
Victim-Witness Surcharge B	20.00	20.00	20.00	20.00	20.00
Court Costs	20.00	20.00	20.00	20.00	20.00
Driver Improvement Surcharge	355.00	355.00	355.00	355.00	355.00
Crime Lab. & Drug Assessment	7.00	7.00	7.00	7.00	7.00
Total Financial	\$1,932.00	\$2,307.00	\$4,182.00	\$6,057.00	\$7,932.00
Jail	6 months -5 yrs	1-5 yrs	1-5 yrs	1-5 yrs	1-5 yrs
Revocation	36 months	36 months	36 months	36 months	36 months

* If sentence is greater than 12 months (i.e. Prison sentence) then a bifurcated sentence is mandatory and extended supervision must not be less than 25 percent of the overall sentence.

Aggravating Factors

Bac Level	.02 to .08	.08 - .169	.17 - .199	.20 to .249	.25 and above or refusal
Fine	1500.00	1700.00	3400.00	5100.00	6800.00
Penalty Assessment (24%)	360.00	408.00	816.00	1224.00	1632.00
Jail Assessment	15.00	17.00	34.00	51.00	68.00
Victim-Witness Surcharge A	30.00	30.00	30.00	30.00	30.00
Victim-Witness Surcharge B	20.00	20.00	20.00	20.00	20.00
Court Costs	20.00	20.00	20.00	20.00	20.00
Driver Improvement Surcharge	355.00	355.00	355.00	355.00	355.00
Crime Lab. & Drug Assessment	7.00	7.00	7.00	7.00	7.00
Total Financial	\$2,307.00	\$2,557.00	\$4,682.00	\$6,807.00	\$8,932.00
Jail	1-5 yrs	1-5 yrs	1-5 yrs	2-5 yrs	2-5 yrs
Revocation	36 months	36 months	36 months	36 months	36 months

* If sentence is greater than 12 months (i.e. Prison sentence) then a bifurcated sentence is mandatory and extended supervision must not be less than 25 percent of the overall sentence.

OAWI SENTENCING GUIDELINES

Third Judicial District

PENALTY RANGES PER STATUTE

	1st Offense	2nd Offense	3rd Offense	4th Offense	5th Offense
Fine or Forfeiture	\$150 - 300	\$350 - 1100	\$600 - 8000	\$600 – 8000	\$600 - 8000
Penalty Assessment	24%	24%	24%	24%	24%
Jail Assessment	\$10	\$10	1% (\$10 min)	1% (\$10 min)	1% (\$10 min)
Justice Information Service Fee	\$9	none	none	None	none
Court Support Services Fee	\$68	none	none	None	none
Victim-Witness Surcharge A	None	\$30	\$30	\$30	\$30
Victim-Witness Surcharge B	None	\$20	\$20	\$20	\$20
Court Costs	\$25	\$20	\$20	\$20	\$20
Driver Improvement Surcharge	\$355	\$355	\$355	\$355	\$355
Crime Lab.& Drug Assessment	\$7	\$7	\$7	\$7	\$7
Jail Sentence	none	5 days to 6 mos.*	30 days to 1 yr*	60 days to 1 yr*	6 mos. to 5 yrs*
Revocation	6-9 months	12-18 months	24-36 months	24-36 months	24-36 months
(No Refusal) Waiting period for occupational license	none	60 days**	90 days**	90 days**	90 days**
(Refusal) Waiting period for occupational license	30 days	90 days**	120 days**	120 days**	120 days**

****Must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.
See also Section 351.07; application following HTO status.**

OAWI SENTENCING GUIDELINES
Third Judicial District

MUNICIPAL COURT FIRST OFFENSE

Mitigating Factors

Bac Level	.10 to .149	.15 to .199	.20 + above	Refusal
Forfeiture	150.00	200.00	250.00	250.00
Penalty Assessment (24%)	36.00	48.00	60.00	60.00
Jail Assessment	10.00	10.00	10.00	10.00
Court Costs*	\$15 - \$23	\$15 - \$23	\$15 - \$23	\$15 - \$23
Driver Improvement Surcharge	355.00	355.00	355.00	355.00
Crime Lab. & Drug Assessment	7.00	7.00	7.00	7.00
Total Financial From	\$573.00	\$635.00	\$697.00	\$697.00
Factoring Court Costs To	\$581.00	\$643.00	\$705.00	\$705.00
Suspension	6 months	7 months	8 months	9 months

* Municipal Court Costs can be established at a rate ranging from \$15 to \$23 if enacted by the municipality.

Aggravating Factors

Bac Level	.10 to .149	.15 to .199	.20 + above	Refusal
Forfeiture	200.00	250.00	300.00	300.00
Penalty Assessment (24%)	48.00	60.00	72.00	72.00
Jail Assessment	10.00	10.00	10.00	10.00
Court Costs*	\$15 - \$23	\$15 - \$23	\$15 - \$23	\$15 - \$23
Driver Improvement Surcharge	355.00	355.00	355.00	355.00
Crime Lab. & Drug Assessment	7.00	7.00	7.00	7.00
Total Financial From	\$635.00	\$697.00	\$759.00	\$759.00
Factoring Court Costs To	\$643.00	\$705.00	\$767.00	\$767.00
Suspension	6 months	7 months	8 months	9 months

* Municipal Court Costs can be established at a rate ranging from \$15 to \$23 if enacted by the municipality.

**MUNICIPAL COURT
1ST**